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FOOD AND DRUG ADMINISTRATION

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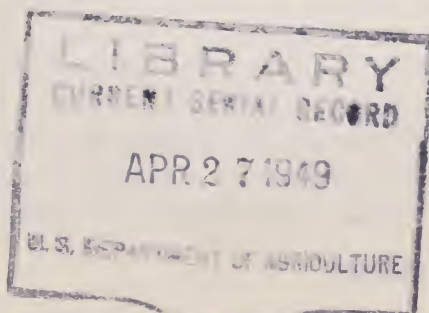
DEFINITIONS AND STANDARDS FOR FOOD

INTRODUCTION

This publication contains the definitions and standards for food and amendments thereto promulgated under the Federal Food, Drug, and Cosmetic Act, as they appear in the compilation published in the Federal Register on October 30, 1948 (13 F. R. 6377), as amended (13 F. R. 6969), together with the general regulations for food standards as they appear in the Code of Federal Regulations (21 CFR Cum. Supp. 10.2; 21 CFR 1943 Supp. 10.0). The preface contains some of the relevant sections of the Federal Food, Drug, and Cosmetic Act and general regulations.

Oscar P. Ewing
Federal Security Administrator.

WASHINGTON, D. C., December 28, 1948.



CONTENTS

Part	Page
Preface.....	3
10 General regulations relating to definitions and standards for food.....	5
14 Cacao products; definitions and standards of identity.....	7
15 Cereal flours and related products; definitions and standards of identity.....	13
16 Alimentary pastes; definitions and standards of identity.....	23
18 Milk and cream; definitions and standards of identity.....	29
19 Cheeses; processed cheeses; cheese foods; cheese spreads, and related foods; definitions and standards of identity.....	31
27 Canned fruit; definitions and standards of identity; quality; and fill of container.....	34
29 Fruit preserves and jellies; definitions and standards of identity.....	48
30 Fruit butters; definitions and standards of identity.....	52
36 Shellfish; definitions and standards of identity; fill of container.....	54
42 Eggs and egg products; definitions and standards of identity.....	58
45 Oleomargarine; definition and standard of identity.....	59
51 Canned vegetables; definitions and standards of identity; quality; and fill of container.....	60
52 Canned vegetables other than those specifically regulated; definitions and standards of identity.....	67
53 Tomato products; definitions and standards of identity; quality; and fill of container.....	69

PREFACE

PROVISIONS OF THE FOOD, DRUG, AND COSMETIC ACT RELATING TO THE PROMULGATION AND APPLICATION OF DEFINITIONS AND STANDARDS FOR FOOD

SEC. 701. (a) The authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Administrator.

* * * * *

(d) The definitions and standards of identity promulgated in accordance with the provisions of this Act shall be effective for the purposes of the enforcement of this Act, notwithstanding such definitions and standards as may be contained in other laws of the United States and regulations promulgated thereunder.

(e) The Administrator, on his own initiative or upon an application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of this Act: 401 * * * At the hearing any interested person may be heard in person or by his representative. As soon as practicable after completion of the hearing, the Administrator shall by order make public his action in issuing, amending, or repealing the regulation or determining not to take such action. The Administrator shall base his order only on substantial evidence of record at the hearing and shall set forth as part of the order detailed findings of fact on which the order is based. No such order shall take effect prior to the ninetieth day after it is issued, except that if the Administrator finds that emergency conditions exist necessitating an earlier effective date, then the Administrator shall specify in the order his findings as to such conditions and the order shall take effect at such earlier date as the Administrator shall specify therein to meet the emergency.

SEC. 401. Whenever in the judgement of the Administrator such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality and/or reasonable standards of fill of container: *Provided*, That no definition and standard of identity and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In

Preface

prescribing any standard of fill of container, the Administrator shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Administrator shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. Any definition and standard of identity prescribed by the Administrator for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

SEC. 403. A food shall be deemed to be misbranded—

* * * * *

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

Regulation. [§ 2.13] *Conformity to definitions and standards of identity.* In the following conditions, among others, a food does not conform to the definition and standard of identity therefor:

(a) If it contains an ingredient for which no provision is made in such definition and standard;

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

SEC. 403. A food shall be deemed to be misbranded—

* * * * *

(h) If it purports to be or is represented as—

(1) A food for which a standard of quality has been prescribed by regulations as provided by section 401, and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
or

(2) a food for which a standard or standards of fill of container have been prescribed by regulations as provided by section 401, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 10—GENERAL REGULATIONS RELATING TO DEFINITIONS AND STANDARDS FOR FOOD

AUTHORITY: §§ 10.0 to 10.2, inclusive, issued under 52 Stat. 1055; 21 U. S. C. 371.

NOTE: §§ 10.0 to 10.2 contained in 4 F. R. 3320; 8 F. R. 9937.

§ 10.0 *General regulation.* (a) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in regulations promulgated under the Act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under section 401 of the Act and the name therein specified for the food is used in any other regulation under section 401 or any other provision of the Act, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the Act shall be construed as affecting the application of any provision of the Act or regulations thereunder. For example, all regulations under section 401 contemplate that the food and all articles used as components or ingredients thereof shall be clean, sound and fit for food; a provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

§ 10.1 *General methods for water capacity and fill of containers.* For the purposes of regulations promulgated under section 401 of the Act:

(a) The term "general method for water capacity of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid

without removing or altering the height of the double seam.

(2) Wash, dry, and weigh the empty container.

(3) Fill the container with distilled water at 68° Fahrenheit to $\frac{3}{16}$ inch vertical distance below the top level of the container, and weigh the container thus filled.

(4) Subtract the weight found in (2) from the weight found in (3). The difference shall be considered to be the weight of water required to fill the container.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in subparagraphs (2)–(4), except that under (3) fill the container to the level of the top thereof.

(b) The term "general method for fill of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Measure the vertical distance from the top level of the container to the top level of the food.

(3) Remove the food from the container; wash, dry, and weigh the container.

(4) Fill the container with water to $\frac{3}{16}$ inch vertical distance below the top level of the container. Record the temperature of the water, weigh the container thus filled, and determine the weight of the water by subtracting the weight of the container found in (3).

(5) Maintaining the water at the temperature recorded in (4), draw off water from the container as filled in (4) to the level of the food found in (2), weigh the container with remaining water, and determine the weight of the remaining water by subtracting the weight of the container found in (3).

(6) Divide the weight of water found in (5) by the weight of water found in (4), and multiply by 100. The result shall be considered to be the percent of

the total capacity of the container occupied by the food.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in subparagraphs (2)–(6), except that under subparagraph (4), fill the container to the level of the top thereof.

§ 10.2 *General statements of substandard quality and substandard fill of container.* For the purposes of regulations promulgated under section 401 of the Act:

(a) The term “general statement of substandard quality” means the statement “Below Standard in Quality Good Food—Not High Grade” printed in two lines of Cheltenham bold condensed caps. The words “Below Standard in Quality” constitute the first line, and the second immediately follows. If the quantity of the contents of the container is less than 1 pound, the type of the first line is 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line is 14-point, and of the second, 10-point. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, is on a strongly contrasting, uniform background, and is so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

(b) The term “general statement of substandard fill” means the statement “Below Standard in Fill” printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (a) is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

DEFINITIONS AND STANDARDS FOR FOOD

All currently effective definitions and standards for food (Parts 14 to 53, inclusive) promulgated under the Federal Food, Drug, and Cosmetic Act of June 25, 1938 (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), are reissued as set forth below. This republication is for the purpose of compiling the regulations and amendments, without change. In this republication, where the text contains references to the 1935 and 1940 editions of the Official and Tentative Methods of the Association of Official Agricultural Chemists, editorial notes have been inserted to furnish readers with page references of these methods set forth in the 1945 edition which are substantially the same as those in the 1935 and 1940 editions.

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

- | | |
|-------|---|
| Sec. | |
| 14.1 | Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients. |
| 14.2 | Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients. |
| 14.3 | Breakfast cocoa, high fat cocoa; identity; label statement of optional ingredients. |
| 14.4 | Cocoa, medium fat cocoa; identity; label statement of optional ingredients. |
| 14.5 | Low-fat cocoa; identity; label statement of optional ingredients. |
| 14.6 | Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients. |
| 14.7 | Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity; label statement of optional ingredients. |
| 14.8 | Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating; identity; label statement of optional ingredients. |
| 14.9 | Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients. |
| 14.10 | Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients. |
| 14.11 | Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients. |
| 14.12 | Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients. |

AUTHORITY: §§ 14.1 to 14.12 issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact with respect to Part 14, see 9 F. R. 14329.

§ 14.1 *Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients.* (a) Cacao nibs, cocoa nibs, cracked cocoa is the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, added as such or in aqueous solution: Bicarbonate, carbonate, or hydroxide of sodium, ammonium, or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75 percent by weight (calculated to an alkali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs—Tentative" beginning on page 208 [Ed. note, 6th edition, 1945, p. 223] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th Ed., 1940.

(b) When cacao nibs or the cacao beans from which they are prepared are processed, in whole or in part, with any optional alkali ingredient specified in paragraph (a) of this section, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 14.2 *Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients.* (a) Chocolate

liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding cacao nibs. To such ground cacao nibs, cacao fat or a cocoa or both may be added in quantities needed to adjust the cacao fat content of the finished chocolate liquor. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients specified in subparagraphs (1), (2), or (3) of this paragraph which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

- (1) Ground spice.
- (2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.
- (3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.
- (4) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.
- (5) Salt.

Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared, or used with any cocoa added in preparing such chocolate liquor, shall be considered to be an optional ingredient used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50 percent and not more than 58 percent by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat, or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 6th edition, 1945, p. 229] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously

as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(1) When the food is seasoned with an optional ingredient specified in subparagraph (a) (1) of this section the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With ----", or "With Added ----", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With ----", "---- Added", or "With Added ----", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ----", or "With ----, An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(4) When the food is seasoned with an optional ingredient specified in paragraph (a) (4) of this section, the label shall bear the statement "Seasoned With ----", the blank being filled in with the specific common name of the substance used as seasoning.

(5) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed in subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.3 *Breakfast cocoa, high fat cocoa; identity; label statement of optional ingredients.* (a) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored, or otherwise seasoned with one or more of the following

optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

(4) Salt.

Any optional ingredient used with the cacao beans, cacao nibs, or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished breakfast cocoa contains not less than 22 percent of cacao fat, as determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 6th edition, 1945, p. 229] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is seasoned with an optional ingredient specified in paragraph (a) (1) of this section, the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With ----", or "With Added ----", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in subparagraph (a) (2) of this section, the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With ----", "---- Added", or "With Added ----", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ----", or "With ---- An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(4) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed With Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.4 *Cocoa, medium fat cocoa; identity; label statement of optional ingredients.* Cocoa, medium fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 22 percent but not less than 10 percent of cacao fat, as determined by the method referred to in § 14.3 (a).

§ 14.5 *Low-fat cocoa; identity; label statement of optional ingredients.* Low-fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 10 percent of cacao fat as determined by the method referred to in § 14.3 (a).

§ 14.6 *Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.* (a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccharine ingredients specified in paragraph (b) of this section. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12 percent by weight of milk constituent solids:

(5) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, concentrated buttermilk, dried buttermilk, malted milk.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15 percent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 percent by weight of chocolate liquor, calculated in the same manner.

(b) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar, or partly refined cane sugar, or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredients used.

(4) Any mixture of dextrose, dried corn sirup, and sugar or partly refined cane sugar or both, in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) For the purpose of this section:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn sirup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58 percent by weight of reducing sugars.

(d) "Semisweet chocolate," "bittersweet chocolate," "semisweet chocolate coating," and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a) of this section.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With ----," or "With ----, An Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the

statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed with Alkali," but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.7 *Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity, label statement of optional ingredients.* (a)

Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one of the optional saccharine ingredients specified in § 14.6 (b) and (c). It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used,

such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 3.66 percent by weight of milk fat, not less than 12 percent by weight of milk solids, and not less than 10 percent by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished milk chocolate, and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and nonfat dry milk solids; but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

(c) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With -----", or "With -----, An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed With Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example,

"With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.8 *Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating; identity; label statement of optional ingredients.* Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, and any combination of two or more of these.

(2) The finished skim milk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of skim milk solids.

§ 14.9 *Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients.* Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or all of these.

(2) The finished buttermilk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of sweet cream buttermilk solids.

§ 14.10 *Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients.* (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredient used in each such article is a mixture of two or more of the following four components:

(i) Any dairy ingredient or combination of such ingredients specified in § 14.7

(b) which is within the limits of the ratios specified therein for nonfat milk solids to milk fat.

(ii) One or more of the five skim milk ingredients specified in § 14.8.

(iii) One or more of the three sweet cream buttermilk ingredients specified in § 14.9.

(iv) Malted milk.

(2) Each of the finished articles may contain less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of milk constituent solids of the components used. The quantity of each component used in any such mixture is such that no component contributes less than one-third of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components (i) and (ii) of subparagraph (1), the quantity of nonfat milk solids in such mixture is more than 2.43 times the quantity of milk fat therein. For the purposes of paragraph (b) of this section, the designation of each of the components listed above is respectively "Milk," "Skim Milk," "Buttermilk," and "Malted Milk."

(b) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by paragraph (a) of this section for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constituent solids in each such component. (For example, "Milk and Skim Milk Chocolate".)

§ 14.11 *Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* (a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

(b) The provisions of this section shall not be construed as applicable to any

article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by § 14.6 (a).

§ 14.12 *Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* Sweet cocoa and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation cocoa is used, instead of chocolate liquor, in such quantity that the finished food contains not less than 6.8 percent by weight of the nonfat cacao portion of such cocoa, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food, and multiplying the quotient by 100. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.)

(2) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats, or vegetable food stearins, other than cacao fat, which oil, fat, stearin, or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(3) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

PART 15—CEREAL FLOURS AND RELATES PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS Sec.

- | | |
|-------|---|
| 15.00 | Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients. |
| 15.10 | Enriched flour; identity; label statement of optional ingredients. |
| 15.20 | Bromated flour; identity; label statement of optional ingredients. |
| 15.30 | Enriched bromated flour; identity; label statement of optional ingredients. |
| 15.40 | Durum flour; identity. |
| 15.50 | Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients. |

Chapter I—Food and Drugs Administration, Federal Security Agency

- Sec.
15.60 Enriched self-rising flour; identity; label statement of optional ingredients.
15.70 Phosphated flour, phosphated white flour, phosphated wheat flour; identity; label statement of optional ingredients.
15.80 Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.
15.90 Bromated whole wheat flour; identity; label statement of optional ingredients.
15.100 Whole durum wheat flour; identity; label statement of optional ingredients.
15.110 Crushed wheat, coarse ground wheat; identity.
15.120 Cracked wheat; identity.
15.130 Farina; identity.
15.140 Enriched farina; identity; label statement of optional ingredients.
15.150 Semolina; identity.

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

- 15.500 White corn meal; identity.
15.501 Yellow corn meal; identity.
15.502 Bolted white corn meal; identity.
15.503 Bolted yellow corn meal; identity.
15.504 Degerminated white corn meal, degermed white corn meal; identity.
15.505 Degerminated yellow corn meal, degermed yellow corn meal; identity.
15.506 Self-rising white corn meal; identity.
15.507 Self-rising yellow corn meal; identity.
15.508 White corn flour; identity.
15.509 Yellow corn flour; identity.
15.510 Grits, corn grits, hominy grits; identity.
15.511 Yellow grits, yellow corn grits, yellow hominy grits; identity.
15.512 Quick grits, quick cooking grits; identity.
15.513 Enriched corn meals; identity.
15.514 Enriched corn grits; identity.

AUTHORITY: §§ 15.00 to 15.514 issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS

NOTE: For findings of fact relating to §§ 15.00 to 15.150, inclusive, see 6 F. R. 2574, 13 F. R. 6969.

§ 15.00 *Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.25 percent. One of the cloths through

which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than the sum of one-twentieth of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen.

(2) Chlorine.

(3) Nitrosyl chloride.

(4) Chlorine dioxide.

(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of one or any mixture of two or more of the following: potassium alum, calcium sulfate, magnesium carbonate, sodium aluminum sulfate, dicalcium phosphate, tricalcium phosphate, starch, calcium carbonate.

[Effective Feb. 25, 1949.]

NOTE: Nitrogen trichloride is permitted in the standard until August 7, 1949.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) Ash is determined by the method prescribed in the book "Official and Ten-

tative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 212 [Ed. note, 6th edition, 1945, p. 238], under "Method I—Official." Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26 [Ed. note, 6th edition, p. 27], under "Kjeldahl-Gunning-Arnold Method—Official." Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211 [Ed. note, 6th edition, p. 237], under "Vacuum Oven Method—Official."

§ 15.10 *Enriched flour; identity; label statement of optional ingredients.* Enriched flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) Calcium may be added in such quantity that each pound of the finished enriched flour contains not less than 500 milligrams and not more than 625 milligrams of calcium (Ca), except that enriched flour may be acidified with monocalcium phosphate irrespective of the minimum limit for calcium (Ca) herein prescribed;

(d) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ; and

(e) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

NOTE: For findings of fact relating to § 15.10, see 8 F. R. 9115.

§ 15.20 *Bromated flour; identity; label statement of optional ingredients.* Bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished bromated flour, and is added only to flours whose baking qualities are improved by such addition.

§ 15.30 *Enriched bromated flour; identity; label statement of optional ingredients.* Enriched bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for enriched flour by § 15.10, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished enriched bromated flour, and is added only to enriched flours whose baking qualities are improved by such addition.

NOTE: §§ 15.20 and 15.30 shall become effective on the ninetieth day following July 23, 1948 (13 F. R. 4232).

For findings of fact relating to §§ 15.20 and 15.30, see 13 F. R. 4231.

§ 15.40 *Durum flour; identity.* (a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. One of the cloths through which such flour is bolted has openings not larger than those of woven-wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 1.5 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section,

ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

§ 15.50 *Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients.* (a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate or sodium acid pyrophosphate or both. It is seasoned with salt. When it is tested by the method prescribed in paragraph (c) of this section not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of flour used. Subject to the conditions and restrictions prescribed by § 15.00 (a), the bleaching ingredients specified in such section may be added as optional ingredients. If the flour used in making the self-rising flour is bleached, the optional bleaching ingredient used therein (see § 15.00 (a)) is also an optional ingredient of the self-rising flour.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, beginning on page 186 [Ed. note, 6th edition, p. 208] under "Gasometric Method with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "6—Determination":

Weigh 17 grams of the official sample into flask A, add 15–20 glass beads (4–6

mm. diameter), and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 24—Chapter XLIII [Ed. note, 6th edition, 1945, 44.30] for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of flour, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by

weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.60 *Enriched self-rising flour; identity; label statement of optional ingredients.* Enriched self-rising flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for self-rising flour by § 15.50, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched self-rising flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ;

(d) When calcium is added as dicalcium phosphate, such dicalcium phosphate is also considered to be an acid-reacting substance; and

(e) When calcium is added as carbonate, the method set forth in § 15.50 (c) does not apply as a test for carbon dioxide evolved; but in such case the quantity of carbon dioxide evolved under ordinary conditions of use of the enriched self-rising flour is not less than 0.5 percent of the weight thereof.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched self-rising flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

NOTE: For findings of fact relating to § 15.60, see 8 F. R. 9115.

§ 15.70 *Phosphated flour, phosphated white flour, phosphated wheat flour; identity; label statement of optional in-*

redients. Phosphated flour, phosphated white flour, phosphated wheat flour, conforms to the definition and standard of identity, and is subject to the requirements for label declaration of optional ingredients, prescribed for flour by § 15.00, except that:

(a) Monocalcium phosphate is added in a quantity not less than 0.25 percent and not more than 0.75 percent of the weight of the finished phosphated flour; and

(b) In determining whether the ash content complies with the requirements of this section allowance is made for the added monocalcium phosphate.

§ 15.80 *Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c) (2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5 percent, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient chlorine dioxide, chlorine, or a mixture of nitrosyl chloride and chlorine, may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trademark or brand, other written, printed, or

graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purpose of this section:

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 211 [Ed. note, 6th edition, 1945, p. 237] under "Vacuum Oven Method—Official."

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 8 and No. 20 sieves, having standard 8-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 grams of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

§ 15.90 *Bromated whole wheat flour; identity; label statement of optional ingredients.* Bromated whole wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that potassium bromate is added in a quantity not exceeding 75 parts to each million parts of finished bromated whole wheat flour.

§ 15.100 *Whole durum wheat flour; identity; label statement of optional ingredients.* Whole durum wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that cleaned durum wheat, instead of cleaned wheat other than durum wheat and red durum wheat, is used in its preparation.

§ 15.110 *Crushed wheat, coarse ground wheat; identity.* Crushed wheat, coarse ground wheat, is the food prepared by so crushing cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), 40 percent or more passes through a No. 8 sieve and less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Crushed wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353 [Ed. note, 6th edition, 1945, p. 404], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.120 *Cracked wheat; identity.* Cracked wheat is the food prepared by so cracking or cutting into angular fragments cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), not less than 90 percent passes through a No. 8 sieve and not more than 20 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Cracked wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353 [Ed. note, 6th edition, 1945, p. 404], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.130 *Farina; identity.* (a) Farina is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat, to such fineness that, when tested by the method prescribed in paragraph (b) (2) of this section, it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.6 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section:

(1) Ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 20 and No. 100 sieves, having standard 8-inch full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 20 sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 20 minutes. Weigh the material which fails to pass through the No. 20 sieve and the material which passes through the No. 100 sieve.

§ 15.140 *Enriched farina; identity; label statement of optional ingredients.* (a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that:

(1) It contains in each pound not less than 1.66 milligrams of vitamin B₁, not less than 1.2 milligrams of riboflavin, not less than 6 milligrams of niacin or niacin amide, and not less than 6 milligrams of iron (Fe);

NOTE: The effective date of the requirement that each pound of enriched farina contain not less than 1.2 milligrams of riboflavin was postponed until further announcement, 8 F. R. 3358, 9115.

(2) Vitamin D may be added in such quantity that each pound of the finished enriched farina contains not less than 250 U. S. P. units of the optional ingredient vitamin D;

(3) Calcium may be added in such quantity that each pound of the finished enriched farina contains not less than 500 milligrams of the optional ingredient calcium (Ca).

(4) It may contain not more than 8 percent by weight of the optional ingredient wheat germ or partly defatted wheat germ.

(5) It may contain not less than 0.5 percent and not more than 1 percent by weight of the optional ingredient disodium phosphate.

(6) In determining whether the ash content complies with the requirements

of this section allowance is made for ash resulting from any added iron or salts of iron or calcium, or from any added disodium phosphate, or from any added wheat germ or partly defatted wheat germ.

Iron and calcium may be added only in forms which are harmless and assimilable. Dried irradiated yeast may be used as a source of vitamin D. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched farina; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the farina.

(b) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium phosphate added for quick cooking." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if such statement is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name

§ 15.150 *Semolina; identity.* (a) Semolina is the food prepared by grinding and bolting cleaned durum wheat to such fineness that, when tested by the method prescribed in § 15.130 (b) (2), it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.92 percent. Its moisture content is not more than 15 percent.

(b) For the purpose of this section:

Ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

NOTE: For findings of fact relating to §§ 15.500 to 15.514, see 12 F. R. 3107.

§ 15.500 *White corn meal; identity.* (a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method pre-

scribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 12 sieve, not less than 45 percent through a No. 25 sieve, but not more than 35 percent through a No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation coarse particles of the ground corn may be separated and discarded, or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 percent and not more than that of the cleaned corn from which it was ground, and its fat content does not differ more than 0.3 percent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) (1) For the purposes of this section moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th edition, page 259, §§ 20.70 and 20.71; fat is determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.73; and crude fiber determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.74.

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 12 and No. 25 sieves, having standard 8-inch diameter, full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven-wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves." Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about $\frac{1}{6}$ of a revolution, each

time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as percent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture on the paper to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5-gram or less loss in weight occurs in any sieve during a 1-minute shaking. The percent of sample passing through No. 12 sieve shall be determined by subtracting from 100 percent, the percent of material remaining on the No. 12 sieve. The percent passing through a No. 25 sieve shall be determined by adding the percents remaining on the No. 72 sieve and the percent in pan. The percent in the pan shall be considered as the percent passing through a No. 72 XXX grits gauze.

§ 15.501 *Yellow corn meal; identity.* Yellow corn meal conforms to the definition and standard of identity prescribed by § 15.500 for white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.502 *Bolted white corn meal; identity.* (a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 percent but its fat content is not less than 2.25 percent, and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent. In its preparation particles of ground corn which contain germ may be separated, reground, and recombined with all or part of the material from which it was separated, but in any such case the fat content of the finished bolted white corn meal does not exceed

by more than 0.3 percent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this section, moisture, fat and crude fiber are determined by the methods therefor referred to in § 15.500 (b) (1).

§ 15.503 *Bolted yellow corn meal; identity.* Bolted yellow corn meal conforms to the definition and standard of identity prescribed by § 15.502 for bolted white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.504 *Degerminated white corn meal, degermed white corn meal; identity.* (a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture-free basis, its crude fiber content is less than 1.2 percent and its fat content is less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of a No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent.

(b) For the purpose of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

§ 15.505 *Degerminated yellow corn meal, degermed yellow corn meal; identity.* Degerminated yellow corn meal, degermed yellow corn meal, conforms to the definition and standard of identity prescribed by § 15.504 for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.506 *Self-rising white corn meal; identity.* (a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate. It is seasoned with salt. When it is tested by the method prescribed in paragraph (b) of this section, not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize

the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of white corn meal used.

(b) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th Edition, beginning on page 208 under "Gasometric Method (2) with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "17.6—Determination":

Weigh 17 grams of the official sample into flask A, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 25). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30 — Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.507 *Self-rising yellow corn meal; identity.* Self-rising yellow corn meal conforms to the definition and standard of identity prescribed by § 15.506 for self-rising white corn meal except that yellow corn meal is used instead of white corn meal.

§ 15.508 *White corn flour; identity.* (a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section, not less than 98 percent passes through a No. 50 sieve and not less than 50 percent passes through No. 70 woven-wire cloth. Its moisture content is not more than 15 percent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture-free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture-free basis) of such substance in the cleaned corn from which it was ground.

(b) (1) For the purpose of this section, moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940 in L. C.

584 of the Bureau of Standards, U. S. Department of Commerce. Attach cone to a suction flask. Wash with 150 ml. of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves." Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

§ 15.509 *Yellow corn flour; identity.* Yellow corn flour conforms to the definition and standard of identity prescribed by § 15.508 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.510 *Grits, corn grits, hominy grits; identity.* (a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture-free basis its crude fiber content is not more than 1.2 percent and its fat content is not more than 2.25 percent; and

(2) When tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 10 sieve but not more than 20 percent through a No. 25 sieve.

(b) (1) For the purposes of this section moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 10 and No. 25 sieves, having standard 8-inch diameter full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach bottom pan

to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about $\frac{1}{6}$ of a revolution each time in the same direction after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on the No. 10 sieve and in the pan, and calculate each weight as percent of sample. The percent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 percent, the percent remaining on the No. 10 sieve. The percent of material in the pan shall be considered as the percent passing through a No. 25 sieve.

§ 15.511 *Yellow grits, yellow corn grits, yellow hominy grits; identity.* Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by § 15.510 for grits except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.512 *Quick grits, quick cooking grits; identity.* (a) Quick grits, quick cooking grits are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of grits by §§ 15.510 or 15.511, except that in process of preparation the grits are lightly steamed and slightly compressed so as to fracture the particles.

(b) The name of each kind of grits is "Quick" or "Quick cooking" followed by the name of the kind of grits used which is prescribed in the definition and standard of identity therefor.

§ 15.513 *Enriched corn meals; identity.* (a) Enriched corn meals are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of corn meal by §§ 15.500 to 15.507, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1), (2) and (3) of this paragraph may be added in a harmless carrier which does not impair the enriched corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn meal used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used.

(b) The name of each kind of enriched corn meal is the word "Enriched" followed by the name of the kind of corn meal used which is prescribed in the definition and standard of identity therefor.

§ 15.514 *Enriched corn grits; identity.*

(a) Enriched corn grits are the foods, each of which conforms to the definition and standard of identity prescribed for grits, yellow grits, or quick cooking grits by §§ 15.510 to 15.512, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water-insoluble products are assimilable. The substances referred to in subparagraphs (1), (2), and (3) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this section

it complies with the requirements set forth therein.

(b) The name of each kind of enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard of identity therefor.

(c) The method referred to in paragraph (a) of this section is as follows:

Transfer 100 grams of enriched grits to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc. of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin, and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing. The amounts found by this procedure are not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits.

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

MACARONI AND NOODLE PRODUCTS

- | | |
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| Sec. | |
| 16.1 | Macaroni products; identity; label statement of optional ingredients. |
| 16.2 | Milk macaroni products; identity; label statement of optional ingredients. |
| 16.3 | Whole wheat macaroni products; identity; label statement of optional ingredients. |
| 16.4 | Wheat and soy macaroni products; identity; label statement of optional ingredients. |
| 16.5 | Vegetable macaroni products; identity; label statement of optional ingredients. |
| 16.6 | Noodle products; identity; label statement of optional ingredients. |
| 16.7 | Wheat and soy noodle products; identity; label statement of optional ingredients. |
| 16.8 | Vegetable noodle products; identity; label statement of optional ingredients. |
| 16.9 | Enriched macaroni products; identity; label statement of optional ingredients. |
| 16.10 | Enriched noodle products; identity; label statement of optional ingredients. |

AUTHORITY: §§ 16.1 to 16.10 issued under secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 16.1 to 16.10, inclusive, see 9 F. R. 14881, 11 F. R. 7503, 7521.

§ 16.1 *Macaroni products; identity; label statement of optional ingredients.*

(a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (5), inclusive:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than 0.5 percent and not more than 2.0 percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than 0.5 percent and not more than 1.0 percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

(5) Gum gluten, in such quantity that the protein content of the finished food is not more than 13 percent by weight.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 6th edition, 1945, p. 265], under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni Product;" or alternately, the name is "Macaroni," "Spaghetti," or "Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), or (d), respectively, of this section.

(f) (1) When disodium phosphate is used the label shall bear the statement

"Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) of this section is used the label shall bear the statement "Seasoned with -----," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products; identity; label statement of optional ingredients.* (a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) of this section is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni product; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten [§ 16.1 (a) (5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and

size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni," "Milk Spaghetti," or "Milk Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

(f) The milk ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, defatted milk solids (dried skim milk), or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products; identity; label statement of optional ingredients.* (a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1), (2), and (5) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product;" or alternately, the name is "Whole Wheat Macaroni," "Whole Wheat Spaghetti," or "Whole Wheat Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph

(b), (c), or (d), respectively, of this section.

§ 16.4 *Wheat and soy macaroni products; identity; label statement of optional ingredients.* (a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Wheat and soy macaroni is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product," "Wheat and Soybean Macaroni Product," "----- and Soy Macaroni Product," or "----- and Soybean Macaroni Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a); or alternately, the name is "Wheat and Soy Macaroni," "Wheat and Soybean Macaroni," "---- and Soy Macaroni," or "---- and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Spaghetti," "Wheat and Soybean Spa-

ghetti," "----- and Soy Spaghetti," or "----- and Soybean Spaghetti" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Vermicelli," "Wheat and Soybean Vermicelli," "----- and Soy Vermicelli," or "----- and Soybean Vermicelli" when such units comply with the requirements of paragraph (d) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a).

§ 16.5 *Vegetable macaroni products; identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten [§ 16.1 (a) (5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from the semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Vegetable vermicelli is the vegetable macaroni product, the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "----- Macaroni Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of

this section; or alternately, the name is "----- Macaroni," "----- Spaghetti," or "----- Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section.

§ 16.6 *Noodle products; identity; label statement of optional ingredients.*

(a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (3), inclusive:

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food.

(3) Gum gluten, in such quantity that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 6th edition, 1945, p. 237], under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg, or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped

(not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product"; or alternately, the name is "Noodles" or "Egg Noodles," "Egg Macaroni," "Egg Spaghetti," or "Egg Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d), or (e), respectively, of this section.

(g) When any ingredient specified in paragraph (a) (1) of this section is used the label of the noodle product shall bear the statement "Seasoned with -----," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves." Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products; identity; label statement of optional ingredients.*

(a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Wheat and soy egg vermicelli is

the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product," "Wheat and Soy Egg Noodle Product," "Wheat and Soybean Noodle Product," "Wheat and Soybean Egg Noodle Product," "----- and Soy Noodle Product," "----- and Soy Egg Noodle Product," "----- and Soybean Noodle Product," or "----- and Soybean Egg Noodle Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a); or alternately, the name is "Wheat and Soy Noodles," "Wheat and Soy Egg Noodles," "Wheat and Soybean Noodles," "Wheat and Soybean Egg Noodles," "----- and Soy Noodles," "----- and Soy Egg Noodles," "----- and Soybean Noodles," or "----- and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Egg Macaroni," "Wheat and Soybean Egg Macaroni," "----- and Soy Egg Macaroni," or "----- and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Egg Spaghetti," "Wheat and Soybean Egg Spaghetti," "----- and Soy Egg Spaghetti," or "----- and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d) of this section; or "Wheat and Soy Egg Vermicelli," "Wheat and Soybean Egg Vermicelli," "----- and Soy Egg Vermicelli," or "----- and Soybean Egg Vermicelli," when such units comply with the requirements of paragraph (e) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products; identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable

used may be fresh, canned, dried, or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "----- Noodle Product" or "----- Egg Noodle Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "----- Noodles" or "----- Egg Noodles," "----- Egg Macaroni," "----- Egg Spaghetti," or "----- Egg Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), (d), or (e), respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a) of this section.

§ 16.9 *Enriched macaroni products; identity; label statement of optional ingredients.* (a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f), except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Macaroni Product;" or alternately, the name is "Enriched Macaroni", "Enriched Spaghetti," or "Enriched Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d) respectively of this section.

§ 16.1C *Enriched noodle products; identity; label statement of optional ingredients.* (a) Enriched noodle products are the class of food each of which conforms to the definition and standard

of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3), of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles, are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in § 16.6 (b).

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in § 16.6 (c).

(d) Enriched egg spaghetti is the enriched noodle product the units of which

conform to the specifications of shape and size prescribed for egg spaghetti in § 16.6 (d).

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli in § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternately, the name is "Enriched Noodles", or "Enriched Egg Noodles", "Enriched Egg Macaroni", "Enriched Egg Spaghetti", or "Enriched Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e) respectively of this section.

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

- 18.500 Cream class of food; identity.
- 18.501 Light cream, coffee cream, table cream; identity.
- 18.510 Whipping cream class of food; identity.
- 18.511 Light whipping cream; identity.
- 18.515 Heavy cream, heavy whipping cream; identity.
- 18.520 Evaporated milk; identity; label statement of optional ingredients.
- 18.525 Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.
- 18.530 Sweetened condensed milk; identity.
- 18.535 Condensed milks which contain corn sirup; identity.
- 18.540 Dried skim milk, powdered skim milk, skim milk powder; identity.

AUTHORITY: §§ 18.500 to 18.540 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 18.500 to 18.540 see 5 F. R. 2443, 2445, 2543, 6 F. R. 4933, 8 F. R. 14277.

§ 18.500 *Cream class of food; identity.* Cream is the class of food which is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized and if it contains less than 30 percent of milk fat as determined by the method hereinafter referred to, it may be homogenized. It contains not less than 18 percent of milk fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 277 [Ed. note, 6th

edition, 1945, p. 323] under "Fat, Roesse-Gottlieb Method—Official". The word "milk" as used herein means cow's milk.

§ 18.501 *Light cream, coffee cream, table cream; identity.* Light cream, coffee cream, table cream, conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.510 *Whipping cream class of food; identity.* Whipping cream is the class of food which conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains not less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.511 *Light whipping cream; identity.* Light whipping cream conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.515 *Heavy cream, heavy whipping cream; identity.* Heavy cream, heavy whipping cream, conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains not less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.520 *Evaporated milk; identity; label statement of optional ingredients.* (a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

(1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as increases the total vitamin D content to not less than 7.5 U. S. P. units per avoirdupois ounce of finished evaporated milk.

It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient (a) (2) is present, the label shall bear the state-

ment, "With Increased Vitamin D Content" or "Vitamin D Content Increased". Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk", without intervening written printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(c) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or by the addition of concentrated sweet skim milk.

(3) The quantity of milk fat is determined by the method prescribed under "Fat—Official" on page 280 [Ed. note, 6th edition, p. 325] and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 279 [Ed. note, 6th edition, 1945, p. 325] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 percent of the weight of the finished evaporated milk.

(5) The quantity of vitamin D is determined by the method prescribed in the "The Second Supplement to the Pharmacopoeia of the United States of America Eleventh Decennial Revision", pages 132–134 inclusive, and pages 136–138 inclusive, with such modification of the method of feeding as is necessary for evaporated milk instead of an oil.

§ 18.525 *Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.* Concentrated milk, plain condensed milk, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for evaporated milk by § 18.520, except that:

(a) It is not processed by heat;

(b) Its container may be unsealed; and

(c) Optional ingredient § 18.520 (a)

(1) is not used.

§ 18.530 *Sweetened condensed milk; identity.* (a) Sweetened condensed milk is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milk fat. The quantity of refined sugar (sucrose) or combination of such sugar and refined corn sugar (dextrose) used is sufficient to prevent spoilage.

(b) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or the addition of concentrated sweet skim milk.

(3) Milk fat is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 281 [Ed. note, 6th edition, 1945, p. 326], under "Fat—Official".

§ 18.535 *Condensed milks which contain corn sirup; identity:* (a) Condensed milks which contain corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by § 18.530 except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purpose of this section the term "corn sirup" means a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of such corn sirup contain not less than 40 percent by weight of reducing sugars, calculated as anhydrous dextrose.

(b) The name of each such food is:

(1) "Corn sirup condensed milk," "condensed milk with corn sirup," or "condensed milk prepared with corn sirup," if corn sirup alone is used; or

(2) "----% Corn sirup solids ----% sugar condensed milk", "condensed milk with ----% corn sirup solids ----% sugar," or "condensed milk prepared with ----% corn sirup solids ----% sugar," if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids

and sugar in such food; alternately "----% sugar" may precede "----% corn sirup solids" in such names.

§ 18.540 *Dried skim milk, powdered skim milk, skim milk powder; identity.* Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 282 [Ed. note, 6th edition, 1945, p. 328], under the caption "Moisture—Tentative". The term "skim milk" as used herein means cow's milk from which the milk fat has been separated.

NOTE: Public Law 244, 78th Congress, approved March 2, 1944, provides a statutory definition for this food under the names: "Non-fat dry milk solids" and "defatted milk solids."

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

- 19.500 Cheddar cheese, cheese; identity.
- 19.505 Washed curd cheese, soaked curd cheese; identity.
- 19.510 Colby cheese; identity.
- 19.515 Cream cheese; identity; label statement of optional ingredients.
- 19.520 Neufchatel cheese; identity; label statement of optional ingredients.
- 19.525 Cottage cheese; identity.
- 19.530 Creamed cottage cheese; identity.

AUTHORITY: §§ 19.500 to 19.530 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371 (e)

NOTE: For findings of fact relating to §§ 19.500 to 19.530, see 6 F. R. 195, 7 F. R. 10755, and 13 F. R. 5422.

§ 19.500 *Cheddar cheese, cheese; identity.* (a) Cheddar cheese, cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and

heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms.

(c) Determine moisture by the method prescribed on page 291 [Ed. note, 6th edition, p. 336] under "Moisture—Official", and milk fat by the method prescribed on page 291 [Ed. note, 6th edition, 1945, p. 337] under "Fat—Official" of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935. Subtract the percent of moisture found from 100; divide the remainder into the percent of milk fat found; the quotient multiplied by 100 shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.505 *Washed curd cheese, soaked curd cheese; identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity.

The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.510 *Colby cheese; identity.* (a) Colby cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. A part of the whey is drained off and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "----- Added" or "With Added -----," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name,

without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese; identity; label statement of optional ingredients.*

(a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of

cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "----- Added" or "With Added -----", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese; identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Sixth Edition, 1945, at page 336.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of

cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

§ 19.530 *Creamed cottage cheese, identity.* (a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 [Ed. note, 6th edition, 1945, p. 336] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) For the purposes of this section "milk" means sweet milk of cows and "skim milk" means milk from which the milk fat has been separated.

PART 27—CANNED FRUIT; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.

- 27.0 Canned peaches; identity; label statement of optional ingredients.
- 27.1 Canned peaches; quality; label statement of substandard quality.
- 27.2 Canned peaches; fill of container; label statement of substandard fill.
- 27.3 Canned peaches with rum; identity; label statement of optional ingredients.
- 27.10 Canned apricots; identity; label statement of optional ingredients.
- 27.11 Canned apricots; quality; label statement of substandard quality.
- 27.12 Canned apricots; fill of container; label statement of substandard fill.
- 27.13 Canned apricots with rum; identity; label statement of optional ingredients.
- 27.20 Canned pears; identity; label statement of optional ingredients.
- 27.21 Canned pears; quality; label statement of substandard quality.
- 27.22 Canned pears; fill of container; label statement of substandard fill.
- 27.23 Canned pears with rum; identity; label statement of optional ingredients.
- 27.30 Canned cherries; identity; label statement of optional ingredients.
- 27.31 Canned cherries; quality; label statement of substandard quality.

Sec.

- 27.32 Canned cherries; fill of container; label statement of substandard fill.
- 27.33 Canned cherries with rum; identity; label statement of optional ingredients.
- 27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.
- 27.41 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.
- 27.42 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.

AUTHORITY: §§ 27.0 to 27.42 issued under 52 Stat. 1046, 1055, 53 Stat. 1423, 54 Stat. 1234; 21 U. S. C. 341, 371 (e), 5 U. S. C. 133-133t.

NOTE: For findings of fact relating to §§ 27.0 to 27.42 see 4 F. R. 4922; 5 F. R. 95, 97, 100, 102, 105, 2400; 7 F. R. 1612, 5542, 6458, 10517; 12 F. R. 6907.

§ 27.0 *Canned peaches; identity; label statement of optional ingredients.*

(a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

- (1) Spice;
- (2) Flavoring, other than artificial flavoring;
- (3) A vinegar;
- (4) Peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and
- (5) Peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form

of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e) of this section, the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone" or "White Free" or "White Freestone", as the case may be, preceded or followed by the word or words "Whole", "Unpeeled Whole", "Halves" or "Halved", "Unpeeled Halves", or "Unpeeled Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", or "Mixed Pieces of Irregular Sizes and Shapes", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

- (1) Water.
- (2) Peach juice.
- (3) Slightly sweetened water.
- (4) Light sirup.
- (5) Heavy sirup.
- (6) Extra heavy sirup.
- (7) Slightly sweetened peach juice.
- (8) Light peach juice sirup.
- (9) Heavy peach juice sirup.
- (10) Extra heavy peach juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dex-

trose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(3) and (7)---	Less than 14°.
(4) and (8)---	14° or more but less than 19°.
(5) and (9)---	19° or more but less than 24°.
(6) and (10)---	24° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring," the common name of the flavoring,

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves Cinnamon Oil, and Peach Kernels".

Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peach may so intervene.

§ 27.1 *Canned peaches; quality; label statement of substandard quality.*

(a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than $\frac{3}{5}$ ounce and $\frac{3}{10}$ ounce, respectively;

(3) In the cases of whole peaches, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole peaches, halves, quarters, and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of $1\frac{1}{8}$ inches inside diameter, with vertical sides; or rectangular in shape, $\frac{3}{4}$ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of $\frac{3}{4}$ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least $\frac{1}{2}$ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod $\frac{5}{32}$ inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches

falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality-----," the blank to be filled in with the words specified after the corresponding number of each clause of paragraph (a) of this section which such canned peaches fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters," as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches" and any words and statements required or authorized to appear with such name by § 27.0 (b).

§ 27.2 *Canned peaches; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned peaches fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein specified.

§ 27.3 *Canned peaches with rum; identity; label statement of optional ingredients.* Canned peaches with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned peaches by § 27.0, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.10 *Canned apricots; identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned

with one or more of the following optional ingredients:

- (1) Spice;
- (2) Flavoring, other than artificial flavoring;
- (3) A vinegar;
- (4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;
- (5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) of this section are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e) of this section, the names of such optional apricot ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Mixed Pieces of Irregular Sizes and Shapes", as the case may be, preceded or followed by "Unpeeled" or "Peeled", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

- (1) Water.
- (2) Apricot juice.
- (3) Slightly sweetened water.
- (4) Light sirup.
- (5) Heavy sirup.
- (6) Extra heavy sirup.
- (7) Slightly sweetened apricot juice.
- (8) Light apricot juice sirup.
- (9) Heavy apricot juice sirup.
- (10) Extra heavy apricot juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots to which no water is added, directly or indirectly.

Each of packing media (3) to (10),

inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used, or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the apricots are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(3) and (7) --	Less than 16°.
(4) and (8) --	16° or more but less than 21°.
(5) and (9) --	21° or more but less than 25°.
(6) and (10) --	25° or more but not more than 40°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incom-

plete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the labels shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Apricot Kernels".

Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene.

§ 27.11 Canned apricots; quality; label statement of substandard quality.

(a) The standard of quality for canned apricots is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than $\frac{2}{5}$ ounce and $\frac{1}{5}$ ounce, respectively;

(3) In the cases of whole apricots,

halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(5) In the cases of whole apricots, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(6) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than 1 unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of $1\frac{1}{8}$ inches inside diameter, with vertical sides; or rectangular in shape, $\frac{3}{4}$ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of $\frac{3}{4}$ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least $\frac{1}{2}$ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod $\frac{3}{16}$ inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the

device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned apricots falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality -----", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned apricots fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Blemished"; (5) "Unevenly Trimmed"; (6) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Apricots" and any words and statements required or authorized to appear with such name by § 27.10 (b).

§ 27.12 *Canned apricots; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned apricots fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.13 *Canned apricots with rum; identity; label statement of optional ingredients.* Canned apricots with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional

ingredients, prescribed for canned apricots by § 27.10, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.20 *Canned pears; identity; label statement of optional ingredients.* (a)

Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

- (1) Spice;
- (2) Flavoring, other than artificial flavoring; and
- (3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) of this section are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of paragraph (e) of this section, the respective names of such optional pear ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", "Mixed Pieces of Irregular Sizes and Shapes", preceded or followed in case the units are whole or halves and are unpeeled, by the word "Unpeeled".

(c) The optional packing media referred to in paragraph (a) of this section are:

- (1) Water.
- (2) Pear juice.
- (3) Slightly sweetened water.
- (4) Light sirup.
- (5) Heavy sirup.
- (6) Extra heavy sirup.
- (7) Slightly sweetened pear juice.
- (8) Light pear juice sirup.
- (9) Heavy pear juice sirup.
- (10) Extra heavy pear juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears

to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(3) and (7) --	Less than 14°.
(4) and (8) --	14° or more but less than 18°.
(5) and (9) --	18° or more but less than 22°.
(6) and (10) --	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the

hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or Seasoned with ----- Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

§ 27.21 *Canned pears; quality; label statement of substandard quality.* (a) The standard of quality for canned pears is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less

than $\frac{3}{5}$ ounce and $\frac{3}{10}$ ounce, respectively;

(3) In the cases of whole pears, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled pears, there is present in the finished canned pears not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole pears, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 10 percent of the units in a container of 10 or more units, and not more than 1 unit in a container of less than 10 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned pears shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled remove the peel. The top of the receptacle is circular in shape of $1\frac{1}{8}$ inches inside diameter, with vertical sides; or rectangular in shape, $\frac{3}{4}$ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of $\frac{3}{4}$ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least $\frac{1}{2}$ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod $\frac{5}{32}$ inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod

is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned pears falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ----", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned pears fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves", or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Pears" and any words and statements required or authorized to appear with such name by § 27.20 (b).

§ 27.22 *Canned pears; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned pears fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.23 *Canned pears with rum; identity; label statement of optional ingredients.* Canned pears with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned pears by § 27.20, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.30 *Canned cherries; identity; label statement of optional ingredients.*

(a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

- (1) Spice;
- (2) Flavoring, other than artificial flavoring;
- (3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (e) of this section, the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet" or "Dark Sweet", as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) The optional packing media referred to in paragraph (a) of this section are:

- (1) Water.
- (2) Cherry juice.
- (3) Slightly sweetened water.
- (4) Light sirup.
- (5) Heavy sirup.
- (6) Extra heavy sirup.
- (7) Slightly sweetened cherry juice.
- (8) Light cherry juice sirup.
- (9) Heavy cherry juice sirup.
- (10) Extra heavy cherry juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified

Chapter I—Food and Drugs Administration, Federal Security Agency

in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the cherries are canned, are within the range prescribed for each in the following list:

Number of packing medium:	
In case of sweet cherries:	
(3) and (7) -----	<i>Brix measurement</i> Less than 16°.
(4) and (8) -----	16° or more but less than 20°.
(5) and (9) -----	20° or more but less than 25°.
(6) and (10) -----	25° or more but not more than 35°.
In case of red sour cherries:	
(3) and (7) -----	Less than 18°.
(4) and (8) -----	18° or more but less than 22°.
(5) and (9) -----	22° or more but less than 28°.
(6) and (10) -----	28° or more but not more than 45°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ----- Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific

varietal name of the cherries may so intervene.

§ 27.31 *Canned cherries; quality; label statement of substandard quality.*

(a) The standard of quality for canned cherries is as follows:

(1) In the case of pitted cherries, not more than 1 pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in paragraph (b) (1) of this section;

(2) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce;

(3) In the case of unpitted cherries, the weight of the largest cherry in the container is not more than twice the weight of the smallest cherry therein;

(4) In the case of unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries, as determined by the method prescribed in paragraph (b) (2) of this section; and

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A unit showing skin discoloration having an aggregate area not exceeding that of a circle $\frac{3}{16}$ inch in diameter and not extending into the fruit tissue shall not be considered as blemished.

(b) (1) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (1) of this section:

Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents. Count the pits and pieces of pit shell in such total quantity. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the combined weight of the contents of all the containers, calculate the number of pits present in each 20 ounces of canned cherries.

(2) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with

the requirements of paragraph (a) (4) of this section:

Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(c) If the quality of canned cherries falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality -----", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned cherries fail to meet, as follows: (1) "Partially Pitted"; (2) "Small"; (3) "Mixed Sizes"; (4) "Thin Fleshed"; (5) "Blemished." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Cherries" and any words and statements required or authorized to appear with such name by § 27.30 (b).

§ 27.32 *Canned cherries; fill of container; label statement of substandard fill.*

(a) The standard of fill of container for canned cherries is the maximum quantity of the optional cherry ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient.

(b) If canned cherries fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of sub-standard fill specified in § 10.2 (b), in the manner and form therein specified.

§ 27.33 *Canned cherries with rum; identity; label statement of optional ingredients.* Canned cherries with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned cherries by § 27.30, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.40 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.* (a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b) of this section, in the forms and proportions therein prescribed, and one of the optional packing media specified in paragraph (c) of this section. It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a) of this section, the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent;

(2) Pears of any variety, which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent;

(3) Whole grapes of any seedless variety, not less than 6 percent and not more than 20 percent;

(4) Pineapples of any variety, which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted, and cut into approximate halves, not less than 2 percent and not more than 6 percent;

(i) Cherries of any light, sweet variety;

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and artificially flavored.

Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each $4\frac{1}{2}$ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than 2 ounces avoirdupois contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) The optional packing media referred to in paragraph (a) of this section are as follows:

- (1) Water.
- (2) Fruit juice.
- (3) Light sirup.
- (4) Heavy sirup.
- (5) Extra heavy sirup.
- (6) Light fruit juice sirup.
- (7) Heavy fruit juice sirup.
- (8) Extra heavy fruit juice sirup.

Each of packing media (3), (4), and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7), and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6) of this section, each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(3) and (6)-----	14° or more but less than 18°.
(4) and (7)-----	18° or more but less than 22°.
(5) and (8)-----	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in paragraph (b) of this section including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added, directly or indirectly. Fruit juice may be strained or filtered.

(3) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous sirup of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(4) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(5) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice

sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8) of this section, inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed, or graphic matter, precede or follow the name "fruit cocktail", "cocktail fruits", or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

§ 27.41 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.* (a) The standard of quality for canned fruit cocktail is as follows:

(1) Not more than 20 percent by weight of the units in the container of peach or pear, or of pineapple if the units thereof are diced, are more than $\frac{3}{4}$ inch in greatest edge dimension, or pass through the meshes of a sieve designated as $\frac{5}{16}$ inch in Table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the National Bureau of Standards, U. S. Department of Commerce. If the units of pineapple are in the form of sectors, not more than 20 percent of such sectors in the container fail to conform to the following dimensions: The length of the outside arc is not more than $\frac{3}{4}$ inch but is more than $\frac{3}{8}$ inch; the thickness is not more than $\frac{1}{2}$ inch but is more than $\frac{5}{16}$ inch; the length (measured along the radius from the inside arc to the outside arc) is not more than $1\frac{1}{4}$ inches but is more than $\frac{3}{4}$ inch.

(2) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, is cracked to the extent of being severed into two parts or is crushed to the extent that their normal shape is destroyed.

(3) Not more than 10 percent of the grapes in a container containing ten

grapes or more, and not more than one grape in a container containing less than ten grapes, has the cap stem attached.

(4) There is present in the finished canned fruit cocktail not more than one square inch of pear peel per each one pound of drained weight of units of pear plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of the units of pear bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(5) There is present in the finished canned fruit cocktail not more than one square inch of peach peel per each one pound of drained weight of units of peach plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of units of peach bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(6) Not more than 15 percent of the units of cherry ingredient; and not more than 20 percent of the units of peach, pear, or grape, in the container is blemished with scab, hail injury, scar tissue or other abnormality.

(7) If the cherry ingredient is artificially colored, the color of not more than 15 percent of the units thereof in a container containing more than six units, and of not more than one unit in a container containing six units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

(b) If the quality of canned fruit cocktail falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a), in the manner and form therein specified.

§ 27.42 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a). Such total weight of drained fruit is determined by the following method:

Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(b) If canned fruit cocktail falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein prescribed.

PART 29—FRUIT PRESERVES AND JELLIES; DEFINITIONS AND STANDARDS OF IDENTITY Sec.

29.0 Preserves, jams; identity; label statement of optional ingredients.

29.5 Fruit jelly; identity; label statement of optional ingredients.

AUTHORITY: §§ 29.0 and 29.5 issued under 52 Stat. 1043, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 29.0 and 29.5, see 5 F. R. 3554, 3558.

§ 29.0 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semi-solid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice,

Title 21—Food and Drugs

citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, of any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble solids content is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, page 320 [Ed. note, 6th edition, p. 383], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Tentative", except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen, and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.

Tomato.

Yellow tomato.

Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of two, three, four, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination. In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit exclusive of the

weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup and optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of each component is not less than one-tenth of the weight of the solids of each combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sugar" means refined anhydrous or hydrated dextrose made from cornstarch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "Sodium Benzoate" or "Benzoic Acid," or "Sodium Benzoate and Benzoic Acid," as the case may be, followed by the words "Added as Preservative."

(3) When optional saccharine ingredient (d) (5) or (d) (7) is present, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "Prepared with".

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "Prepared with Honey".

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam" preceded or followed by the words "Mixed Fruit", the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(6) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in

preparing such preserve may so intervene.

§ 29.5 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 464 [Ed. note, 6th edition, p. 558], under "By means of a refractometer—Official".

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated,

unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned:

Name of fruit:	Factor referred to in par. (b)
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

Chapter I—Food and Drugs Administration, Federal Security Agency

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup and optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of each component is not less than one-tenth of the weight of the solids of such combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) for the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sugar" means refined anhydrous or hydrated dextrose made from corn starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly" preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly" preceded or followed by the words "Mixed Fruit" or by the names or synonyms

whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "Sodium Benzoate" or "Benzoic Acid" or "Sodium Benzoate and Benzoic Acid", as the case may be, followed by the words "Added as Preservative".

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "Flavoring and Artificial Coloring Added" or "With Added Flavoring and Artificial Coloring"; the word "Flavoring" in such statement may be preceded by the word "Mint".

(4) When optional saccharine ingredient (d) (5) or (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "Prepared with".

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "Prepared with Honey".

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly" preceded or followed by the words "Mixed Fruit", the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of the predominance, if any, of the weights of such fruit juice ingredients in the combination.

(7) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

Title 21—Food and Drugs

PART 30—FRUIT BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTE: For findings of fact relating to § 30.0, see 5 F. R. 3561.

§ 30.0 *Fruit butter; identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semi-solid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

- (1) Spice.
- (2) Flavoring (other than artificial flavoring).
- (3) Salt.
- (4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

- (5) Fruit juice or diluted fruit juice or concentrated fruit juice in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished fruit butter is not less than 43 percent as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, page 320 [Ed. note, 6th edition, p. 383], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Tentative", except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble

solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 464 [Ed. note, 6th edition, p. 558], under "By means of a refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	<i>Factor referred to in par. (b) (1)</i>
Apple -----	7.5
Apricot -----	7.0
Grape -----	7.0
Peach -----	8.5
Pear -----	6.5
Plum (other than prune) -----	7.0
Prune -----	7.0
Quince -----	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

- (1) Sugar.
- (2) Invert sugar sirup.
- (3) Brown sugar.
- (4) Invert brown sugar sirup.
- (5) Honey.
- (6) Corn sirup.
- (7) Any combination composed of two

or more of optional saccharine ingredients (1), (2), (3), (4), (5), and (6); but if honey is a component the weight of its solids is not less than two-fifths of the weight of the solids of such combination.

(8) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), (3), (4), (5), (6), or (7); but if honey is a component the weight of its solids is not less than two-fifths of the weight of the solids of such combination.

If honey or corn sirup is a component of any combination used as optional saccharine ingredient (7) or (8), the weight of the solids of each component (other than honey) is not less than one-tenth of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sugar" means refined anhydrous or hydrated dextrose made from cornstarch.

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the fruit butter is made from a single fruit ingredient the name is "Butter" preceded by the name whereby such fruit is designated in paragraph (c) of this section.

(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter" preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) (1) When optional ingredient (a)

(1) of this section is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "Flavoring Added" or "With Added Flavoring"; the word "Flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "Prepared With _____ Juice", the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used the word "Cider" may be used in lieu of "Apple Juice".

(4) When optional saccharine ingredient (d) (5) or (6) of this section is used, the label shall bear the statement "Prepared With Honey" or "Prepared With Corn Sirup", as the case may be.

(5) When corn sirup or honey or both are components of any combination used as an optional saccharine ingredient, the label shall bear the statement "Prepared With _____", the blank to be filled in with the names whereby the components of such combination are designated in paragraph (d) of this section, in the order of predominance, if any, by weight of such components in the combination.

(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "Prepared From" or "Prepared in Part From", as the case may be, followed by the word "Evaporated" or "Dried", followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "Evaporated" or "Dried", shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter", the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.

Title 21—Food and Drugs

(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "Cinnamon Oil and Cloves Added". The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "Prepared with Cider, Apples, Dried Prunes, and Corn Sirup".

(9) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene. (52 Stat. 1046, 1055: 21 U. S. C. 341, 371).

PART 36—SHELLFISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

CANNED SHRIMP

Sec.
36.3 Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of container; label statement of substandard fill.

CANNED OYSTERS

36.5 Canned oysters; identity; label statement of optional ingredients.
36.6 Canned oysters; fill of container; label statement of substandard fill.

RAW OYSTERS

36.10 Oysters, raw oysters, shucked oysters; identity.
36.11 Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.
36.12 Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.
36.13 Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.
36.14 Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.
36.15 Very small oysters, very small raw oysters, very small shucked oysters; identity.

Sec.

36.16 Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.
36.17 Pacific oysters sizes 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.
36.18 Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.
36.19 Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.
36.20 Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.
36.21 Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.
36.22 Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.

AUTHORITY: §§ 36.3 to 36.22 issued under 52 Stat. 1046, 1047, and 1055; 21 U. S. C. 341 and 371, except as noted following provision affected.

NOTE: For findings of fact relating to §§ 36.3 to 36.22 see 7 F. R. 4944; 9 F. R. 14008; 11 F. R. 9333; 13 F. R. 1337, 1338, 1506, 4663

CANNED SHRIMP

§ 36.3 *Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of containers; label statement of substandard fill.*
(a) The standard of fill of nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each can is not less than 64 percent of the water capacity of the container, and, for canned dry pack shrimp (except that packed in the nontransparent cylindrical container which is $2\frac{1}{16}$ inches in diameter and 4 inches in height), is a fill such that the cut-out weight of shrimp taken from each can is not less than 60 percent of the water capacity of the container. The standard of fill for canned dry pack shrimp packed in the nontransparent cylindrical container which is $2\frac{1}{16}$ inches in diameter and 4 inches in height is a cut-out weight of not less than $6\frac{1}{2}$ avoirdupois ounces of shrimp for each container. Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter. Cut-out weight is determined by the following method:

Keep the unopened canned shrimp

container at a temperature of not less than 68° nor more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute the shrimp evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained shrimp. The weight so found, less the weight of the sieve, shall be considered to be the cut-out weight of the shrimp.

(b) If canned wet pack shrimp or canned dry pack shrimp, in nontransparent containers, falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.2 (b), in the manner and form therein specified. (52 Stat. 1046, 1047, 53 Stat. 561; 21 U. S. C. 341, 345, 5 U. S. C. 133-133r)

CANNED OYSTERS

§ 36.5 *Canned oysters; identity; label statement of optional ingredients.* (a) Canned oysters is the food prepared from one or any mixture of two or all of the forms of oysters specified in paragraph (b) of this section, and a packing medium of water, or the watery liquid draining from oysters before or during processing, or a mixture of such liquid and water. The food may be seasoned with salt. It is sealed in containers and so processed by heat as to prevent spoilage.

(b) The forms of oysters referred to in paragraph (a) of this section are prepared from oysters which have been removed from their shells and washed and which may be steamed while in the shell or steamed or blanched or both after removal therefrom, and are as follows:

(1) Whole oysters with such broken pieces of oysters as normally occur in removing oysters from their shells, washing, and packing.

(2) Pieces of oysters obtained by segregating pieces of oysters broken in shucking, washing, or packing whole oysters.

(3) Cut oysters obtained by cutting whole oysters.

(c) (1) When the form of oysters specified in paragraph (b) (1) is used, the name of the food is "Oysters" or "Cove Oysters," if of the species *Ostrea virginica*; "Pacific Oysters," if of the species *Ostrea gigas*; "Olympia Oysters," if of the species *Ostrea lurida*.

(2) When the form of oysters specified in paragraph (b) (2) is used, the name of the food is "Pieces of -----," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species *Ostrea virginica*; "Pacific Oysters," if of the species *Ostrea gigas*; "Olympia Oysters," if of the species *Ostrea lurida*.

(3) When the form of oysters specified in paragraph (b) (3) is used, the name of the food is "Cut -----," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species *Ostrea virginica*; "Pacific Oysters," if of the species *Ostrea gigas*; "Olympia Oysters," if of the species *Ostrea lurida*.

(4) In case a mixture of two or all such forms of oysters is used, the name is a combination of the names specified in this paragraph of the forms of oysters used, arranged in order of their predominance by weight.

§ 36.6 *Canned oysters; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

(b) Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter.

(c) Drained weight is determined by the following method:

Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire

cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)," in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(d) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter in the manner and form therein specified, followed by the statement, "A can of this size should contain ----- oz. of oysters. This can contains only ----- oz.," the blanks being filled in with the applicable figures.

RAW OYSTERS

§ 36.10 *Oysters, raw oysters, shucked oysters; identity.* (a) Oysters, raw oysters, shucked oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b) of this section. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in §§ 36.11 to 36.22, inclusive.

(b) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than thirty minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before

contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this section:

(1) "Shell oysters" means live oysters of any of the species, *Ostrea virginica*, *Ostrea gigas*, *Ostrea lurida*, in the shell, which after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one of the following:

(i) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters, drained, and has perforations of at least $\frac{1}{4}$ of an inch in diameter and not more than $1\frac{1}{4}$ inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five minutes; or

(ii) The oysters are drained by any method other than that prescribed by subdivision (i) of this subparagraph whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in subdivision (i) of this subparagraph for two minutes, not more than 5 percent of liquid by weight is removed by such draining.

§ 36.11 *Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters count (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.* Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants), are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

§ 36.12 *Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked*

oysters extra selects; identity. Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters, and a quart of the largest oysters selected therefrom contains more than 36 oysters.

§ 36.13 *Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.* Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 210 oysters, but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters, and a quart of the largest oysters selected therefrom contains more than 46 oysters.

§ 36.14 *Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.* Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species *Ostrea virginica* and conform to the definition and standards of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

§ 36.15 *Very small oysters, very small raw oysters, very small shucked oysters; identity.* Very small oysters, very small raw oysters, very small shucked oysters, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

§ 36.16 *Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.* Olympia oysters, raw Olympia oysters, shucked Olympia oysters, are of the species *Ostrea lurida* and conform to the definition and standard of identity prescribed for oysters in § 36.10.

§ 36.17 *Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.* Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed by oysters by § 36.10 and are of such size that one gallon contains less than 65 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.* Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 64 and not more than 80 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.* Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 80 and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.* Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity

prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 96 and not more than 120 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.21 *Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.* Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 120 and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.22 *Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.* Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

PART 42—EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

- 42.0 Eggs.
- 42.10 Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.
- 42.20 Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.
- 42.30 Dried eggs, dried whole eggs; identity.
- 42.40 Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.
- 42.50 Frozen yolks, frozen egg yolks; identity.
- 42.60 Dried egg yolks, dried yolks; identity.

AUTHORITY: §§ 42.0 to 42.60 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to Part 42, see 4 F. R. 3375–3378.

§ 42.0 *Eggs.* No regulation shall be promulgated, fixing and establishing a reasonable definition and standard of identity for the food commonly known as eggs.

§ 42.10 *Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs;*

identity. Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells, and with yolks and whites in their natural proportions as so broken. They may be mixed, or mixed and strained.

§ 42.20 *Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.* Frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

§ 42.30 *Dried eggs, dried whole eggs; identity.* Dried eggs, dried whole eggs, are the food prepared by drying liquid eggs. They may be powdered. They contain not less than 92 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345], under "Total Solids."

§ 42.40 *Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.* Egg yolks, liquid egg yolks, yolks, liquid yolks, are yolks of eggs of the domestic hen so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345–346], under "Total Solids." They may be mixed, or mixed and strained.

§ 42.50 *Frozen yolks, frozen egg yolks; identity.* Frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

§ 42.60 *Dried egg yolks, dried yolks; identity.* Dried egg yolks, dried yolks, are the food prepared by drying egg yolks. They contain not less than 95 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345–346], under "Total Solids."

PART 45—OLEOMARGARINE; DEFINITION AND STANDARD OF IDENTITY

NOTE: For findings of fact relating to § 45.0, see 6 F. R. 2762.

§ 45.0 *Oleomargarine; identity; label statement of optional ingredients.* (a) Oleomargarine is the plastic food pre-

pared with one or more of the optional fat ingredients named under one of the following subparagraphs (1), (2), (3), or (4) of this paragraph:

(1) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles.

(2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles.

(3) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under subparagraph (1) either equals the weight of the ingredients named under subparagraph (2), or exceeds such weight by a ratio not greater than 9 to 1.

(4) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under subparagraph (2) exceeds the weight of the ingredients named under subparagraph (1) by a ratio not greater than 9 to 1.

One of the five following articles is intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. (The term "milk" as used in this subparagraph means cow's milk.) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked. In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(5) Artificial coloring.

(6) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(7) Vitamin A, added as fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units of Vitamin A per pound.

(8) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(9) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iv) a combination of subdivisions (i) and (ii) of this subparagraph in which the amount of neither exceeds that above stated, or (v) a combination of subdivisions (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. (The weight of diglycerides in each of ingredients (ii), (iii), (iv), and (v) is calculated at one-half actual weight.)

(10) Butter.

(11) Salt.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298 [Ed. note, 6th edition, 1945, p. 334], under "Indirect Method—Official".

(b) When any ingredient named under one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall, except as provided in this paragraph, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1): "Prepared from Animal Fat", or "Made from Animal Fat".

Subparagraph (2): "Vegetable", or "Prepared from Vegetable Fat", or "Made from Vegetable Fat".

Subparagraph (3) "Prepared from Animal and Vegetable Fats", or "Made from Animal and Vegetable Fats".

Subparagraph (4): "Prepared from Vegetable and Animal Fats", or "Made from Vegetable and Animal Fats".

Subparagraph (5): "Artificially Colored", or "Artificial Coloring Added", or "With Added Artificial Coloring".

Subparagraph (6): "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or

'Sodium Benzoate and Benzoic Acid') Added as a Preservative", or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative".

Subparagraph (7): "Vitamin A Added", or "With Added Vitamin A".

Subparagraph (8): "Artificially Flavored", or "Artificial Flavoring Added", or "With Added Artificial Flavoring".

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in paragraph (a) (5), (6), (7), and (8) of this section are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopoeia units which have been added.

Whenever the name "oleomargarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter. (52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

- Sec.
- 51.0 Identity; label statement of optional ingredients.
- 51.1 Quality; label statement of substandard quality.
- 51.2 Fill of container; label statement of substandard fill.

CANNED BEANS

- 51.10 Canned green beans; identity; label statement of optional ingredients.
- 51.11 Canned green beans; quality; label statement of substandard quality.
- 51.15 Canned wax beans; identity; label statement of optional ingredients.
- 51.16 Canned wax beans; quality; label statement of substandard quality.

AUTHORITY: §§ 51.0 to 51.16 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

CANNED PEAS

NOTE: For findings of fact relating to §§ 51.0 to 51.2, see 5 F. R. 739, 741 7 F. R. 9918; 12 F. R. 950.

§ 51.0 *Identity; label statement of optional ingredients.* (a) Canned peas is the food prepared from one of the following optional pea ingredients:

(1) Shelled, succulent peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(2) Shelled, succulent peas (*Pisum sativum*) of sweet, wrinkled varieties.

(3) Shelled, dried peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(4) Shelled, dried peas (*Pisum sativum*) of sweet, wrinkled varieties.

(b) To one such optional pea ingredient water is added.

(c) The following optional ingredients may be used:

- (1) Salt.
- (2) Sugar.
- (3) Dextrose.
- (4) Spice.
- (5) Flavoring.
- (6) Artificial coloring.

and in case optional pea ingredient (1) or (2) is used,

(7) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

(d) The food may be seasoned with one or more of the following optional seasonings:

- (1) Green peppers.
- (2) Mint leaves.
- (3) Onions.
- (4) Garlic.
- (5) Horseradish.

(e) The food is sealed in a container and so processed by heat as to prevent spoilage.

(f) (1) The label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June", "Sweet" or "Sweet Wrinkled" or "Sugar", "Dried Early" or "Dried June" or "Dried Early June". "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar".

(2) If spice is present, the label shall bear the word or words "Spiced" or "With Added Spice" or "Spice Added".

(3) If flavoring is present, the label shall bear the words "With Added Flavoring" or "Flavoring Added".

(4) If artificial coloring is present, the label shall state that fact in such man-

ner and form as is provided in the regulation promulgating a standard of quality for canned peas.

(5) If an optional seasoning ingredient is used, the label shall bear the words "Seasoned with Green Peppers", "Seasoned with Mint Leaves", "Seasoned with Onions", "Seasoned with Garlic", or "Seasoned with Horseradish", as the case may be.

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Traces of ----- Added", the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of Alkalis Added".

(7) Wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

§ 51.1 *Quality; label statement of substandard quality.* (a) The standard of quality for canned peas is as follows:

(1) Not more than 4 percent by count of the peas in the container are spotted or otherwise discolored;

(2) Standard canned peas are normally colored, not artificially colored;

(3) The combined weight of pea pods and other harmless extraneous vegetable material is not more than one-half of 1 percent of the drained weight of peas in the container;

(4) The weight of pieces of peas is not more than 10 percent of the drained weight of peas in the container;

(5) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of $\frac{1}{16}$ inch or more;

(6) Not less than 90 percent by count of the peas in the container are crushed by a weight of not more than 907.2 grams (2 pounds); and

(7) The alcohol-insoluble solids of Alaska or other smooth skin varieties of peas in the container, is not more than 23.5 percent, and of sweet, wrinkled varieties, not more than 21 percent.

(b) Canned peas shall be tested by the following methods to determine whether or not they meet the requirements of paragraph (a) of this section:

(1) After determining the fill of the container as prescribed in § 51.2 (a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in subparagraph (1) of this paragraph, promptly segregate and weigh the pea pods and other harmless extraneous vegetable material, and the pieces of peas.

(3) From the drained peas obtained in subparagraph (1) of this paragraph, take at random a subdivision of 100 to 150 peas, and count them. Immediately cover these peas with a portion of the liquid obtained in subparagraph (1) of this paragraph, and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision which are spotted or otherwise discolored, and also those peas the skins of which are ruptured to a width of $\frac{1}{16}$ inch or more.

(4) Immediately after each pea is examined by the method prescribed in subparagraph (3) of this paragraph, test it by removing its skin, placing one of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc is of rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the

cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in subparagraph (3) of this paragraph. Transfer the peas to a pan, and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in subparagraph (1) of this paragraph. Immediately drain the peas again by the method prescribed in subparagraph (1) of this paragraph. After the 2 minutes' draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture, and weigh 20 grams of such mixture into a 600 cc. beaker. Add 300 cc. of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend $\frac{1}{2}$ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° Centigrade, covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° Centigrade. Place the cover on the dish, cool it in a desiccator, and promptly weigh. From this weight, subtract the weight of the dish, cover, and paper, as previously found. The weight in grams thus obtained, multiplied by 5, shall be considered to be the percent of alcohol-insoluble solids.

(c) If the quality of canned peas falls below the standard prescribed in paragraph (a) of this section, the label shall

bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one respect, the label may bear the alternative statement "Below Standard in Quality -----", the blank to be filled in with the words specified after the corresponding subparagraph number of paragraph (a) of this section which such canned peas fail to meet, as follows: (1) "Excessive Discolored Peas;" (2) "Artificially Colored;" (3) "Excessive Foreign Material;" (4) "Excessive Broken Peas;" (5) "Excessive Cracked Peas;" (6) "Not Tender;" (7) "Excessively Mealy." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peas" and any words and statements required or authorized to appear with such name by § 51.0 (b).

§ 51.2 *Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peas is a fill such that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level $\frac{3}{16}$ inch vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level $\frac{1}{2}$ inch vertical distance below the top of the container.

(b) If canned peas fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

CANNED BEANS

NOTE: For findings of fact relating to §§ 51.10 to 51.16, see 13 F. R. 3724, 3725.

§ 51.10 *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant, and water. It may be seasoned with salt, sugar, or dextrose, or any two or all of these. The

Pods are prepared in one or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than $2\frac{3}{4}$ inches in length, or transversely cut pods not less than $2\frac{3}{4}$ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than $2\frac{3}{4}$ inches in length but not less than $\frac{3}{4}$ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 percent by count are less than $\frac{3}{4}$ inch in length and not more than 1 percent by count are more than $1\frac{1}{4}$ inches in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient specified in paragraph (a) (1) of this section is used the label shall bear the word "Whole." If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack," except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack."

(2) When optional ingredient specified in paragraph (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style."

(3) When optional ingredient specified in paragraph (a) (3) of this section is used the label shall bear the word "Cut," or "Cuts."

(4) When optional ingredient specified in paragraph (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or "----- Inch Cut" or "----- Inch Cuts," the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4), inclusive, of this section, is used the label shall bear the statement "Mixture of -----," the blank to be filled in with the combination of the names "Whole," "Sliced Lengthwise," "Cut," or "Cuts," and

"Short Cut" or "Short Cuts," designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless," where the beans are in fact stringless, and (3) the description of the green beans as "Stringless," which may also be used between the words "Green" and "Beans," where the beans are in fact stringless.

§ 51.11 *Canned green beans; quality; label statement of substandard quality.*

(a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, not more than 60 units per 12 ounces drained weight are less than $\frac{1}{2}$ inch long; *Provided*, That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than $\frac{1}{2}$ inch long.

(2) The trimmed pods contain not more than 25 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods $2\frac{7}{16}$ inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support $\frac{1}{2}$ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle $\frac{1}{8}$ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green-

bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stems, and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units, and, in case the material consists of the optional ingredient specified in paragraph (a) (3) of this section or a mixture of two or more of the optional ingredients specified in § 51.10 (a) (1) to (4), inclusive, count and record the number of units which are less than $\frac{1}{2}$ inch long. If the number of units per 12 ounces is 240 or less, divide the number of units which are less than $\frac{1}{2}$ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight. If the number of units per 12 ounces exceeds 240, divide the

number of units less than $\frac{1}{2}$ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than $\frac{1}{2}$ inch long.

Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise, remove the loose seed and pieces of seed, weigh and record weight and return to tray. Divide the weight of loose seed and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight, and return to tray.

(6) Remove from the tray one or more representative samples of $3\frac{1}{2}$ to 4 ounces, covering each sample as taken to prevent evaporation. If the tray includes pods or pieces of pods $\frac{7}{16}$ inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems. Except with optional ingredient specified in § 51.10 (a) (2), (pods sliced lengthwise), trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated. Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph. Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph. If the original container contained pods $\frac{7}{16}$ inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph. Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any

liquid drains away. Weigh the seed, divide by the weight of the trimmed pods, and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

In the case of pods sliced lengthwise remove seed and pieces of seed and reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

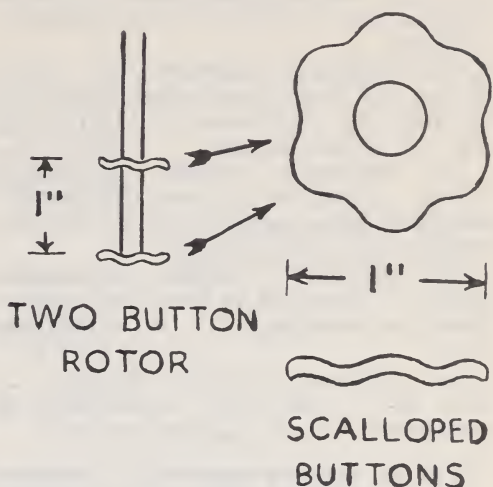
(8) If strings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

Fasten clamp, weighted to $\frac{1}{2}$ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the $\frac{1}{2}$ -pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are $\frac{1}{2}$ inch or more in length and if any such part of the string supports the $\frac{1}{2}$ -pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph, and, if strings were tested as prescribed in subparagraph (8) of this paragraph, add such strings, broken or unbroken. Weigh and record weight of combined material. Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about $3\frac{1}{2}$ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and

EXHIBIT 1



$\frac{1}{8}$ inch inside diameter inserted into a rubber tube of $\frac{1}{4}$ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100°C ., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the

Title 21—Food and Drugs

quality of canned green beans falls below the standard in one only of the following respects:

(1) "Excessive Number Very Short Pieces," if the canned green beans fail to meet the requirements of paragraph (a) (1) of this section.

(2) "Excessive Number Blemished Units," if they fail to meet the requirements of paragraph (a) (5) of this section.

(3) "Excessive Number Unstemmed Units," if they fail to meet the requirements of paragraph (a) (6) of this section.

(4) "Excessive Foreign Material," if they fail to meet the requirement of paragraph (a) (8) of this section.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.*

(a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by § 51.10 (a) and (b), except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (a) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless, and (3) the description of the wax beans as "Stringless," which may

also be used between the words "Wax" and "Beans," where the beans are in fact stringless.

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.*

(a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b).

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.11 (c) for canned green beans.

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CROSS REFERENCE: For regulations relating to canned peas and canned green and wax beans, see Part 51 of this chapter.

NOTE: For findings of fact relating to § 52.990, see 5 F. R. 806, 2399.

§ 52.990 *Canned vegetables; identity; label statement of optional ingredients.*

(a) The canned vegetables for which definitions and standards of identity are prescribed by this section are those named in column I of the table set forth in paragraph (b) of this section. The vegetable ingredient in each such canned vegetable is obtained by proper preparation from the succulent vegetable prescribed in column II of such table. If two or more forms of such ingredient are designated in column III of such table, the vegetable in each such form is an optional ingredient.

(b) The table referred to in paragraph (a) of this section is as follows:

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
Artichokes	Flower buds of the artichoke plant.	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus	Edible portions of sprouts of the asparagus plant, as follows: Three and three-quarter inches or more of upper end. Three and three-quarter inches or more of peeled upper end. Not less than two and three-quarter inches but less than three and three-quarter inches of upper end. Less than two and three-quarter inches of upper end. Sprouts cut in pieces	Stalks or spears Peeled stalks or peeled spears. Tips Points. Cut stalks or cut spears. Bottom cuts or cuts—tips removed.
Bean sprouts	Sprouts from which the tip has been removed, cut in pieces. Sprouts of the Mung bean.	

Chapter I—Food and Drugs Administration, Federal Security Agency

I Name or synonym of canned vegetable	II Source	III Optional forms of vegetable Ingredient
Shelled beans	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	
Lima beans or butter beans	Seed shelled from the pods of the lima bean plant.	
Beets	Root of the beet plant	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne
Beet greens	Leaves, or leaves and immature root, of the beet plant.	
Broccoli	Heads of the broccoli plant.	
Brussels sprouts	Sprouts of the brussels sprouts plant.	
Cabbage	Cut pieces of the heads of the cabbage plant.	
Carrots	Root of the carrot plant	Do.
Cauliflower	Cut pieces of the head of the cauliflower plant.	
Celery	Stalks of the celery plant	Cut; hearts
Collards	Leaves of the collard plant.	
White sweet corn or	Seed cut from ears of white sweet corn	Whole grain or whole kernel
White corn or	Seed cut and scraped from ears of white sweet corn.	Cream style or crushed
White sugar corn	Ears of white sweet corn	On cob.
Yellow sweet corn or		
Yellow corn or	Seed cut from ears of yellow sweet corn.	Whole grain or whole kernel
Yellow sugar corn or	Seed cut and scraped from ears of yellow sweet corn.	Cream style or crushed.
Golden corn or		
Golden sugar corn or	Ears of yellow sweet corn	On cob.
Golden sweet corn		
Field corn	Seed cut from ears of field corn	Whole grain or whole kernel.
	Seed cut and scraped from ears of field corn.	Cream style or crushed.
Dandelion greens	Leaves of the dandelion plant.	
Kale	Leaves of the kale plant.	
Mushrooms	Cap and stem of the mushroom	Buttons; whole; slices or sliced; pieces and stems.
Mustard greens	Leaves of the mustard plant.	
Okra	Pods of the okra plant	Whole; cut
Onions	Bulb of the onion plant	Do.
Parsnips	Root of the parsnip plant	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Black-eye peas or black-eyed peas.	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Field peas	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Green sweet peppers	Green pods of the sweet pepper plant	Whole; halves or halved; pieces.
Red sweet peppers	Red-ripe pods of the sweet pepper plant.	
Pimientos or pimentos	Red-ripe pods of the pimiento, or pimento, pepper plant.	Do.
Potatoes	Tuber of the potato plant	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Sweetpotatoes	Tuber of the sweetpotato plant	Whole; pieces; mashed.
Rutabagas	Root of the rutabaga plant	Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Salsify	Root of the salsify plant.	
Spinach	Leaves of the spinach plant.	
Swiss chard	Leaves of the Swiss chard plant.	
Truffles	Fruit of the truffle.	
Turnip greens	Leaves of the turnip plant.	
Turnips	Root of the turnip plant	Do.

(c) To the vegetable ingredient water is added; except that pimientos may be canned with or without added water, and sweetpotatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture of both. For the purpose of this section asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the aspara-

gus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the cases of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the

cases of all vegetables (except artichokes in which such ingredient is necessary) in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form), in a quantity not more than sufficient to insure smoothness.

(4) Snaps, in the cases of shelled beans, black-eye peas, and field peas.

In the cases of all vegetables one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

- (5) Salt.
- (6) A vinegar.
- (7) Spice.
- (8) Refined sugar (sucrose).
- (9) Refined corn sugar (dextrose).

The food is sealed in a container and so processed by heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this section is the name or any synonym thereof whereby such vegetable is designated in Column I of the table in paragraph (b) of this section.

(e) If two or more forms of the vegetable are specified in Column III of the table in paragraph (b) of this section, the label shall bear the specified word or words, or in case synonyms are so specified, one of such synonyms, showing the form of the vegetable ingredient present.

(f) (1) If optional ingredient (c) (2) is present, the label shall bear the statement "----- Oil Added" or "With Added ----- Oil" (the blank to be filled in with the common or usual name of the oil). If optional ingredient (c) (3) is present, the label shall bear the statement "Starch Added to Insure Smoothness". If optional ingredient (c) (4) is present, the label shall bear the statement "With Snaps".

(2) If optional seasoning ingredient (c) (6) is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned With ----- Vinegar" (the blank to be filled in with the common or usual name of the vinegar). If optional seasoning ingredient (c) (7) is present, the label shall bear the statement "Spice Added" or "With Added Spice".

(3) If a vinegar, spice, and edible vegetable oil, or any two of these are present, the label may bear, in lieu of the statements herein prescribed showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice, and Olive Oil".

(4) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice".

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in paragraphs (e) and (f) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the vegetable may so intervene. (52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.	
53.0	Tomato juice; identity.
53.5	Yellow tomato juice; identity.
53.10	Catsup, ketchup, catchup; identity; label statement of optional ingredients.
53.20	Tomato puree, tomato pulp; identity; label statement of optional ingredients.
53.30	Tomato paste; identity; label statement of optional ingredients.
53.40	Canned tomatoes; identity; label statement of optional ingredients.
53.41	Canned tomatoes; quality; label statement of substandard quality.
53.42	Canned tomatoes; fill of container; label statement of substandard fill.

AUTHORITY: §§ 53.0 to 53.42 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 53.0 to 53.42, see 4 F. R. 3321, 3454; 5 F. R. 2283.

§ 53.0 *Tomato juice; identity.* Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be

homogenized, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

§ 53.5 *Yellow tomato juice; identity.* Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in § 53.0.

§ 53.10 *Catsup, ketchup, catchup; identity; label statement of optional ingredients.* (a) Catsup, ketchup, catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and is seasoned with sugar or a mixture of sugar and dextrose (refined corn sugar), salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section, is present, in whole or in part, the label shall bear the statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Catsup," "Ketchup," or "Catchup" appears on the label

so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this paragraph showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.20 *Tomato puree, tomato pulp; identity; label statement of optional ingredients.* (a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 percent, but less than 25.00 percent, of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 [Ed. note, 6th edition, p. 595] under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 6th edition, 1945, p. 596. Title changed to "Sodium Chloride Method I—Official."] under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "made from -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the

statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.30 *Tomato paste; identity; label statement of optional ingredients.*

(a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with one or more of the optional ingredients:

(4) Salt.

(5) Spice.

(6) Flavoring.

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda.

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 percent of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 [Ed. note, 6th edition, p. 595] under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 6th edition, 1945, p. 596, Method I] under

"Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From -----," (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From -----" (or "Made in Part From -----," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." When optional ingredient specified in paragraph (a) (5) or (6) of this section is present the label shall bear the statement or statements, "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. When optional ingredient specified in paragraph (a) (7) of this section is present, the label shall bear the statement "Baking Soda Added." If two or all of the optional ingredients specified in paragraph (a) (5), (6), and (7), of this section are present, such statements may be combined, as for example, "Spice, Flavoring, and Baking Soda Added." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.40 *Canned tomatoes; identity; label statement of optional ingredients.*

(a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may

be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

It may be seasoned with one or more of the optional ingredients:

(5) Salt.

(6) Spices.

(7) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning". When optional ingredient specified in paragraph (a) (3) of this section is present, the label shall bear the statement "With Added Strained Tomatoes". When one or more of the optional ingredients specified in paragraph (a) (4) of this section is present the label shall bear the statement "Trace of ----- Added" or "With Added Trace of -----", the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added. When optional ingredient specified in paragraph (a) (6) or (7) of this section is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice", "Flavoring Added" or "With Added Flavoring", as the case may be. If two or more of optional ingredients specified in paragraph (a) (2), (3), (6), and (7) of this section are present, such statements may be combined, as for example "With Added Strained Tomatoes, Residual Tomato Material from Preparation for Canning, Spice and Flavoring". In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or

usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.41 *Canned tomatoes; quality; label statement of substandard quality.*

(a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in paragraph (b) (1) of this section, is not less than 50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) of this chapter;

(2) The strength and redness of color as determined by the method prescribed in paragraph (b) (2) of this section, is not less than that of the blended color of any combination of the color discs described in such method, in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) Peel, per pound of canned tomatoes in the container, covers an area of not more than 1 square inch; and

(4) Blemishes, per pound of canned tomatoes in the container, cover an area of not more than one-fourth square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) and (2) of this section:

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The meshes of such sieve are made by so weaving wire of 0.054-inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes.

Title 21—Food and Drugs

The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in subparagraph (1) of this paragraph. Cut out and segregate successively those portions of least redness until 50 percent of the drained weight, as determined under subparagraph (1) of this paragraph, has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 1 inch. Free the mixture from air bubbles, and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalents of such discs:

(i) Red—Munsell 5 R 2.6/13 (glossy finish).

(ii) Yellow—Munsell 2.5 YR 5/12 (glossy finish).

(iii) Black—Munsell N 1/ (glossy finish)

(iv) Grey—Munsell N 4 (mat finish).

(c) If the quality of canned tomatoes falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality -----"; the blank to be filled in with

the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned tomatoes fail to meet, as follows: (1) "Excessively Broken Up"; (2) "Poor Color"; (3) "Excessive Peel"; (4) "Excessive Blemishes." If such canned tomatoes fail to meet both (3) and (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by § 53.40 (b).

§ 53.42 *Canned tomatoes, fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.1 (b) of this chapter.

(b) If canned tomatoes fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

[SEAL] J. DONALD KINGSLEY,
Acting Federal Security Administrator.

OCTOBER 19, 1948.

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